

**BEFORE THE FLORIDA
JUDICIAL QUALIFICATIONS COMMISSION**

**INQUIRY CONCERNING A
JUDGE, NO. 01-244**

CASE NO.: SC01-2670

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EMERGENCY MOTION FOR PROTECTIVE ORDER

COMES NOW, the Respondent the Honorable Charles W. Cope, by and through his undersigned counsel, and requests a protective order of this Court preventing Special Counsel from taking the deposition of Sandra Betancourt and Alvin Hagans, and in support thereof states:

1. On June 10, 2002, Special Counsel faxed to this office a notice of depositions of Sandra Betancourt and Alvin Hagans to take place on Friday, June 14, 2002, in West Palm Beach, Florida. Such notice was sent without clearance of schedules with this office.

2. The two witnesses identified by Special Counsel are employees of Hanley-Hazelton, the alcohol rehabilitation facility at which Judge Cope received treatment in August and September 2001.

3. Special Counsel in previous filings has admitted that Judge Cope's medical treatment for alcoholism is irrelevant to the charges in this proceeding which arose in April 2001.

4. The Respondent has advised Special Counsel that no evidence of Respondent's medical treatment will be presented at the final hearing of this cause.

5. After Special Counsel violated the confidentiality of Respondent's medical records and placed portions of them in the public record in this cause without good reason, this Court granted Respondent's motion to seal such medical records.

6. The scheduling of the instant depositions in the circumstances is oppressive, an abuse of discovery, and cannot lead to relevant evidence.

WHEREFORE, Respondent respectfully requests this Court issue an order quashing the scheduled depositions and awarding fees and costs to Respondent incurred in bringing this motion.

Respectfully submitted,

ROBERT W. MERKLE, ESQ.

Florida Bar Number: 138183

MERKLE & MAGRI, P.A.

5510 West LaSalle Street

Tampa, Florida 33607

Telephone: (813) 281-9000

Facsimile: (813) 281-2223

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via facsimile and U.S. Mail to: **Judge James R. Jorgenson**, Chair of the Judicial Qualifications Commission Hearing Panel, 3rd District Court of Appeal, 2001 S.W. 117th Avenue, Miami, Florida 33175-1716; **Judge James R. Wolf**, Chair of the Judicial Qualifications Commission Investigative Panel, 1st District Court of Appeal, 301 Martin Luther King, Jr., Boulevard, Tallahassee, Florida 32399-1850, **John Beranek, Esq.**, Counsel to the Hearing Panel of the Judicial Qualifications Commission, P.O. Box 391, Tallahassee, Florida 32302; **John S. Mills, Esq.**, Special Counsel, Foley & Laudner, 200 Laura Street, Jacksonville, Florida 32201-0240; **Brooke S. Kennerly**, Executive Director of the Florida Judicial Qualifications Commission, 1110 Thomasville Road, Tallahassee, Florida 32303; **Thomas C. MacDonald, Jr., Esq.**, General Counsel to the Investigative Panel of the Judicial Qualifications Commission, 100 North Tampa Street, Suite 2100, Tampa, Florida 33602, this ____ day of June, 2002.

ROBERT W. MERKLE, ESQ.